

AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY MAY 3, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 2163**

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**Introduced by Assembly Member Nava**

February 21, 2006

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An act to amend Sections ~~37252.8~~ 37252, 37252.8, and 51745 of, to add Sections 46145.3, 46145.5, 48200.3, and 51747.2 to, and to repeal and add Section 46145 of, the Education Code, relating to pupils.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2163, as amended, Nava. Pupils: ~~Supplemental~~ *supplemental* instruction.

(1) Existing law authorizes the governing board of a school district and a charter school maintaining any of grades 2 to 6, inclusive, to offer programs of direct, systematic, and intensive supplemental instruction to a pupil enrolled in grades 2 to 6, inclusive, who has been identified as having a deficiency in mathematics, reading, or written expression based on the results of a test administered under the Standardized Testing and Reporting (STAR) Program or who has been identified as being at risk of retention.

Existing law authorizes a school district or charter school that offers the specified supplemental instruction to receive reimbursement in an amount up to 5% of the total enrollment of the school district or charter school in grades 2 to 6, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year, determined as specified, with the balance of any

appropriation made for these purposes to be allocated for reimbursement for supplemental instruction where pupil attendance in the supplemental instruction is in excess of 5%, but not in excess of 7%, of the total enrollment of the school district or charter school in grades 2 to 6, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year, determined as specified.

This bill, instead, would authorize a school district or charter school that offers the specified supplemental instruction to receive reimbursement in an amount up to 10% of the total enrollment of the school district or charter school in grades 2 to 6, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year, determined as specified, with the balance of any appropriation made for these purposes to be allocated for reimbursement for supplemental instruction where pupil attendance in the supplemental instruction is in excess of 10%, but not in excess of 15%, of the total enrollment of the school district or charter school in grades 2 to 6, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year, determined as specified.

~~This bill would authorize the governing board of a school district and a charter school maintaining any of grades 7 to 12, inclusive, to offer programs of direct, systematic, and intensive supplemental instruction to a pupil who has not demonstrated readiness to pass the California High School Exit Examination who meets a specified criterion.~~

~~(2) Existing law requires pupils in grade 12 to be enrolled in at least 5 courses each semester or the equivalent number of courses per quarter. If any pupil who is subject to this requirement is required by a medical prescription to attend school for less than 5 courses during the semester or the equivalent number of courses during the quarter, the average daily attendance allowed for that pupil's attendance is required to bear the same proportion to one day of attendance as the number of courses in which the pupil is enrolled bears to 5 or the equivalent number for the quarter system *defines the minimum schoolday in a high school, with specified exceptions, as 240 minutes.*~~

~~This bill, notwithstanding the requirement in existing law specified above, commencing with the first semester or quarter that begins after January 1, 2007, would require pupils in grade 12 who have not passed the California High School Exit Examination, or who have~~

~~been determined under governing school board policy to be deficient in the credits required for high school graduation, to be enrolled full-time in at least 6 courses each semester or the equivalent number of courses per quarter. The bill would require that if any pupil who is subject to this provision is required by a medical prescription to attend school for less than 6 courses during the semester or the equivalent number of courses during the quarter, the average daily attendance allowed for that pupil's attendance bears the same proportion to one day of attendance as the number of courses in which the pupil is enrolled bears to 6 or the equivalent number for the quarter system would prohibit a school district from allowing a pupil who has not passed the California High School Exit Examination to attend a minimum schoolday, as defined, except as specified.~~

The bill would prohibit a school district from allowing a pupil who has not passed the California High School Exit Examination to enroll in work experience education programs or office *or teacher* assistant courses.

The bill would authorize a school district to authorize a pupil in grade 12 who is 18 years of age or older and has not passed the California High School Exit Examination to attend a minimum schoolday, as defined, if the pupil signs a statement indicating that he or she is fully informed of the potential consequences of attending school less than full time.

The bill would authorize a school district to authorize a pupil in grade 12 who is less than 18 years of age and has not passed the California High School Exit Examination to attend a minimum schoolday, if the pupil and the pupil's parent or legal guardian both sign a statement indicating that they are fully informed of the potential consequences of attending school less than full time.

~~The bill would require a school district to require each high school within its jurisdiction to enroll any pupil in grade 12 who has not passed the California High School Exit Examination, or is deficient in the credits required for high school graduation, in rigorous challenging programs or courses to prepare the pupil to pass the examination, prepare the pupil to meet state and local graduation requirements, prepare the pupil for postsecondary education and training, and provide the pupil with career options and skills. that enrolls pupils in any of grades 10 or 12 to develop a written individualized learning plan to assist each pupil in grade 10 or 12 who has not passed the high school exit examination. The bill would require a school district~~

*to require each school within its jurisdiction that enrolls pupils in grade 7 to develop a written individualized learning plan to assist each pupil in grade 7 who is deemed at the far below basic level in English language arts or mathematics pursuant to the California Standards Test administered in grade 6. The bill would require that those plans include the requisite coursework and experience the pupil needs in order to pass the high school exit examination, complete all other requirements for graduation from high school, and successfully transition to postsecondary education or employment.*

The bill would require a school district to require each high school within its jurisdiction to offer and schedule an individual conference with each pupil, his or her parent or legal guardian, and a school representative, ~~immediately prior to commencement of grade 12,~~ to provide a review of the pupil's status in passing the examination, *or the pupil's score on the English language arts or mathematics portion of the California Standards Test administered in grade 8, as applicable,* and develop a written individualized learning plan to assist the pupil in reaching his or her educational and career goals.

~~The bill would require the governing board of a school district and a charter school maintaining any of grades 7 to 12, inclusive, to provide a pupil who is determined to be at the far below basic level on a test administered under the STAR Program with intensive instructional services designed to prepare the pupil to pass the California High School Exit Examination. The bill would, commencing in grade 7 and annually thereafter through grade 11, require a school district to require each school within its jurisdiction to develop a written individualized learning plan, as provided, for the pupil. The bill would require each school to offer and schedule an individual conference with the pupil, his or her parent or legal guardian, and a school representative to develop the individualized learning plan.~~

The bill would require a school district to allow a pupil who is 18 years of age or older and enrolled in grade 12 to complete that school year in a high school program, as determined by governing board policy. The bill would require a school district to allow a pupil who has not completed all high school graduation requirements or passed both sections of the California High School Exit Examination on or before the end of the ~~fourth~~ 4th year of high school to enroll in and attend a high school program during the next school year, as determined by governing board policy, if the pupil enrolls in the ~~fifth~~ 5th year of high school before attaining 19 years of age. The bill

would require a school district to provide the pupil with specified educational options that provide intensive instruction, pursuant to an individualized learning plan for each pupil, for enrollment of pupils beyond the ~~fourth~~ 4<sup>th</sup> year of high school, if the pupil is making progress under governing board policy towards completion of graduation requirements. The bill would exempt a pupil subject to these provisions from the requirement above that pupils in grade 12 who have not passed the California High School Exit Examination, or who have been determined under governing school board policy to be deficient in the credits required for high school graduation, to be enrolled full-time in at least 6 courses each semester or the equivalent number of courses per quarter.

Because these requirements would impose additional duties on school districts, the bill would establish a state-mandated local program.

(3) Existing law prohibits more than 10% of the pupils participating in an opportunity school or program, or a continuation high school, calculated as specified by the State Department of Education, from being eligible for apportionment credit for independent study. A pupil who is pregnant, or a pupil who is a parent and is the primary caregiver for one or more of his or her children, is not counted within the specified 10% cap.

This bill would prohibit a pupil who has not passed the California High School Exit Examination from being counted within the specified 10% cap.

The bill would ~~prohibit~~ *make* a school district or county office of education ~~from being~~ eligible, *on or after July 1, 2008*, to receive apportionments for independent study by pupils, regardless of age, ~~unless only if~~ it has adopted written policies, and has implemented those policies, pursuant to rules and regulations adopted by the Superintendent of Public Instruction that include (a) a requirement that the school district or county office of education use a diagnostic evaluation or assessment tool to evaluate the academic achievement of each pupil who applies for independent study, and evaluate the pupil's ability to work independently under the general supervision of a credentialed teacher or teachers, for the purpose of providing appropriate interventions and individualized assistance to enable each pupil to be successful in independent study; and (b) a requirement that all pupils who choose independent study be provided with the level of support and materials necessary for pupil success.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 37252 of the Education Code is*  
2     *amended to read:*  
3     37252. (a) The governing board of each school district  
4     maintaining any or all of grades 7 to 12, inclusive, shall offer,  
5     and a charter school may offer, *direct, systematic, and intensive*  
6     supplemental instructional programs for pupils enrolled in grades  
7     7 to 12, inclusive, who do not demonstrate sufficient progress  
8     toward passing the exit examination required for high school  
9     graduation pursuant to Chapter 8 (commencing with Section  
10    60850) of Part 33.  
11    (b) Sufficient progress, as described in subdivision (a), shall  
12    be determined on the basis of either of the following:  
13    (1) The results of the assessments administered pursuant to  
14    Article 4 (commencing with Section 60640) of Chapter 5 of Part  
15    33 and the minimum levels of proficiency recommended by the  
16    state board pursuant to Section 60648.  
17    (2) The pupils' grades and other indicators of academic  
18    achievement designated by the district.  
19    (c) For purposes of this section, a pupil shall be considered to  
20    be enrolled in a grade immediately upon completion of the  
21    preceding grade. Supplemental instruction may also be offered to  
22    a pupil who was enrolled in grade 12 during the prior school  
23    year.  
24    (d) For the purposes of this section, pupils who do not possess  
25    sufficient English language skills to be assessed, as set forth in  
26    Sections 60850 and 60853, shall be considered pupils who do not  
27    demonstrate sufficient progress ~~towards~~ *toward* passing the exit

1 examination required for high school graduation and shall  
2 receive supplemental instruction designed to assist pupils to  
3 succeed on the high school exit examination.

4 (e) Except as provided in subdivision (h), programs may be  
5 offered pursuant to this section during the summer, *including*  
6 *through a summer academic support or enrichment program,*  
7 before school, after school, on Saturday, or during intersession,  
8 or in any combination of summer, before school, after school,  
9 Saturday, or intersession instruction, but shall be in addition to  
10 the regular schoolday. Any minor pupil whose parent or guardian  
11 informs the school district that the pupil is unable to attend a  
12 Saturday school program for religious reasons, or any pupil 18  
13 years of age or older who states that he or she is unable to attend  
14 a Saturday school program for religious reasons, shall be given  
15 priority for enrollment in supplemental instruction offered at a  
16 time other than Saturday over a pupil who is not unable to attend  
17 a Saturday school program for religious reasons.

18 (f) A school district or charter school offering supplemental  
19 instructional programs pursuant to this section shall receive  
20 funding as described in Section 42239 and in the annual Budget  
21 Act.

22 (g) Notwithstanding any other provision of law, neither the  
23 ~~State Board of Education~~ *state board* nor the Superintendent of  
24 ~~Public Instruction~~ may waive any provision of this section.

25 (h) Funds received for supplemental instruction pursuant to  
26 this section may also be used to provide intensive instruction and  
27 services to eligible pupils pursuant to Section 37254.

28 ~~SECTION 1.~~

29 *SEC. 2.* Section 37252.8 of the Education Code is amended to  
30 read:

31 37252.8. (a) The governing board of a school district and a  
32 charter school maintaining any of grades 2 to 6, inclusive, may  
33 offer programs of direct, systematic, and intensive supplemental  
34 instruction to a pupil enrolled in any of grades 2 to 6, inclusive,  
35 who meets either of the following criteria:

36 (1) The pupil has been identified as having a deficiency in  
37 mathematics, reading, or written expression based on the results  
38 of a test administered under the Standardized Testing and  
39 Reporting Program established pursuant to Article 4  
40 (commencing with Section 60640) of Chapter 5 of Part 33.

1 (2) The pupil has been identified as being at risk of retention  
2 pursuant to Section 48070.5.

3 ~~(b) The governing board of a school district and a charter~~  
4 ~~school maintaining any of grades 7 to 12, inclusive, may offer~~  
5 ~~programs of direct, systematic, and intensive supplemental~~  
6 ~~instruction to a pupil who has not demonstrated readiness to pass~~  
7 ~~the California High School Exit Examination who meets either of~~  
8 ~~the following criteria:~~

9 ~~(1) The pupil has been identified during grades 7 and 8 as~~  
10 ~~having a deficiency in mathematics and English language arts~~  
11 ~~achievement based on the results of a test administered under the~~  
12 ~~Standardized Testing and Reporting Program established~~  
13 ~~pursuant to Article 4 (commencing with Section 60640) of~~  
14 ~~Chapter 5 of Part 33, and is determined to be at the far below~~  
15 ~~basic level.~~

16 ~~(2) The pupil is in high school, has taken and not passed the~~  
17 ~~California High School Exit Examination, and is determined to~~  
18 ~~be seriously deficient in mathematics and English language arts~~  
19 ~~achievement under specifications recommended by the~~  
20 ~~Superintendent and approved by the state board.~~

21 ~~(c)~~

22 ~~(b) Supplemental educational services offered pursuant to this~~  
23 ~~section may be offered during the summer, before school, after~~  
24 ~~school, on Saturdays, or during intersession, or in a combination~~  
25 ~~of summer school, before school, after school, Saturday, or~~  
26 ~~intersession instruction. Supplemental educational services may~~  
27 ~~be offered during summer bridge programs for pupils in grades 7~~  
28 ~~to 12, inclusive, determined to be at the far below basic level on~~  
29 ~~a test administered under the Standardized Testing and Reporting~~  
30 ~~Program. Services shall not be provided during the intersession~~  
31 ~~instruction. Services shall not be provided during the regular~~  
32 ~~instructional day of the pupil. A minor pupil whose parent or~~  
33 ~~guardian informs the school district that the pupil is unable to~~  
34 ~~attend a Saturday school program for religious reasons, or a pupil~~  
35 ~~18 years of age or older who states that he or she is unable to~~  
36 ~~attend a Saturday school program for religious reasons, shall be~~  
37 ~~given priority for enrollment in supplemental instruction offered~~  
38 ~~at a time other than Saturday, over a pupil who is not unable to~~  
39 ~~attend a Saturday school program for religious reasons.~~

40 ~~(d)~~



1 (c) For purposes of this section, a pupil shall be considered to  
2 be enrolled in a grade immediately upon completion of the  
3 preceding grade. Summer school instruction may also be offered  
4 to a pupil who was enrolled in grade 6 during the prior school  
5 year.

6 ~~(e)–~~

7 (d) An intensive remedial program in reading or written  
8 expression offered pursuant to this section shall, as needed,  
9 include instruction in phoneme awareness, systematic explicit  
10 phonics and decoding, word attack skills, spelling and  
11 vocabulary, explicit instruction of reading comprehension,  
12 writing, and study skills.

13 ~~(f)–~~

14 (e) A school district or charter school shall seek the active  
15 involvement of parents and classroom teachers in the  
16 development and implementation of supplemental instructional  
17 programs provided pursuant to this section.

18 ~~(g)–~~

19 (f) It is the intent of the Legislature that a pupil who is at risk  
20 of failing to meet state-adopted standards, or who is at risk of  
21 retention, be identified as early in the school year, and as early in  
22 his or her school career as possible and be provided the  
23 opportunity for supplemental instruction sufficient to assist him  
24 or her in attaining expected levels of academic achievement.

25 ~~(h)–~~

26 (g) (1) A school district or charter school that offers  
27 instruction pursuant to this section shall be entitled to receive  
28 reimbursement in an amount up to 10 percent of the total  
29 enrollment of the school district or charter school in grades 2 to  
30 6, inclusive, for the prior fiscal year multiplied by 120 hours,  
31 multiplied by the hourly rate for the current fiscal year  
32 determined pursuant to subdivision (b) of Section 42239.

33 (2) The balance of the appropriation made for the purposes of  
34 funding programs offered pursuant to this section to serve pupils  
35 in grades 2 to 6, inclusive, shall be allocated for reimbursement  
36 of pupil attendance in instruction pursuant to subdivision (a) that  
37 is in excess of 10 percent, but not in excess of 15 percent, of the  
38 enrollment of the school district or charter school for the prior  
39 year in grades 2 to 6, inclusive, multiplied by 120 hours,

1 multiplied by the hourly rate for the current fiscal year  
2 determined pursuant to subdivision (b) of Section 42239.

3 ~~(i)~~

4 ~~(h)~~ Notwithstanding any other provision of law, neither the  
5 state board nor the Superintendent may waive any provision of  
6 this section.

7 ~~SEC. 2.~~

8 ~~SEC. 3.~~ Section 46145 of the Education Code is repealed.

9 ~~SEC. 3.~~

10 ~~SEC. 4.~~ Section 46145 is added to the Education Code, to  
11 read:

12 46145. (a) The Legislature hereby finds and declares all of  
13 the following:

14 (1) It is the fundamental purpose of the educational system in  
15 California to equip all pupils with the knowledge and skills to  
16 succeed in postsecondary education and careers, and as parents  
17 and citizens.

18 (2) Pupils who do not graduate are six times more likely to  
19 live in poverty than those with a high school diploma. Pupils who  
20 graduate with a diploma from high school earn twice as much on  
21 average than those who drop out of high school. Individuals with  
22 some college or advanced training earn on average twice that of  
23 individuals with a high school diploma, and individuals with a  
24 bachelor's degree earn over three times that of individuals with a  
25 high school diploma, over the course of a lifetime.

26 (3) The costs to society, business, and the individual of failing  
27 to complete a high school education are many and varied. These  
28 costs include behavioral and human elements, economic  
29 consequences, such as reduction in personal income and loss in  
30 state revenue, and increased public assistance and involvement in  
31 the penal system.

32 (4) Pupils who want to earn a high school diploma and who  
33 have not passed the California High School Exit Examination or  
34 completed all other graduation requirements by the end of grade  
35 12 must be provided options to continue to develop their  
36 academic and technical skills in an appropriate educational  
37 setting with a full range of appropriate educational support.

38 (5) Often, pupils, parents, educators, and policymakers have  
39 demonstrated concern over the lack of rigor and relevance of the  
40 senior year and the resulting time and opportunity that is lost.

1 (6) Assisting pupils to graduate from high school, and  
2 thoroughly preparing pupils for transition to, and success in,  
3 postsecondary education and careers is imperative to California's  
4 economic development and the quality of life for its residents.

5 (b) ~~(1)~~ Pupils in grade 12 shall be enrolled in at least five  
6 courses each semester or the equivalent number of courses per  
7 quarter. If any pupil who is subject to this paragraph is required  
8 by a medical prescription to attend school for less than five  
9 courses during the semester or the equivalent number of courses  
10 during the quarter, the average daily attendance allowed for that  
11 pupil's attendance shall bear the same proportion to one day of  
12 attendance as the number of courses in which the pupil is  
13 enrolled bears to five or the equivalent number for the quarter  
14 system.

15 ~~(2) Notwithstanding paragraph (1), commencing with the first~~  
16 ~~semester or quarter that begins after January 1, 2007, pupils in~~  
17 ~~grade 12 who have not passed the California High School Exit~~  
18 ~~Examination, or who have been determined under governing~~  
19 ~~school board policy to be deficient in the credits required for high~~  
20 ~~school graduation, shall be enrolled full-time in at least six~~  
21 ~~courses each semester or the equivalent number of courses per~~  
22 ~~quarter. If any pupil who is subject to this paragraph is required~~  
23 ~~by a medical prescription to attend school for less than six~~  
24 ~~courses during the semester or the equivalent number of courses~~  
25 ~~during the quarter, the average daily attendance allowed for that~~  
26 ~~pupil's attendance shall bear the same proportion to one day of~~  
27 ~~attendance as the number of courses in which the pupil is~~  
28 ~~enrolled bears to six or the equivalent number for the quarter~~  
29 ~~system.~~

30 (c) Subdivision (b) does not apply to pupils enrolled in a  
31 regional occupational program, a regional occupational center, a  
32 course at an accredited postsecondary educational institution,  
33 independent study, a special education program where the pupil's  
34 individualized education program establishes a different number  
35 of courses, a continuation high school, a county community  
36 school, a county court school, or a registered apprenticeship  
37 program or apprenticeship preparation program, or any other  
38 course of study authorized by the governing board that is  
39 equivalent to the approved high school course of study.

1     ~~SEC. 4.~~

2     ~~SEC. 5.~~ Section 46145.3 is added to the Education Code, to  
3 read:

4     46145.3. (a) A school district shall not allow a pupil who has  
5 not passed the California High School Exit Examination to enroll  
6 in work experience education programs approved under Article 7  
7 (commencing with Section 51760) of Chapter 5 of Part 28, or in  
8 office or teacher assistant courses.

9     ***(b) Except as authorized under subdivision (c) or (d), a school***  
10 ***district shall not allow a pupil who has not passed the high***  
11 ***school exit examination to attend a minimum schoolday, as***  
12 ***defined in Section 46141, unless the pupil is enrolled in a***  
13 ***regional occupational program, a regional occupational center,***  
14 ***a course at an accredited postsecondary educational institution,***  
15 ***independent study, a special education program in which the***  
16 ***individualized education program for the pupil establishes a***  
17 ***different minimum schoolday, a continuation high school, a***  
18 ***county community school, a county court school, or a registered***  
19 ***apprenticeship program or apprenticeship preparation program,***  
20 ***or any other course of study authorized by the governing board***  
21 ***that is equivalent to the approved high school course of study.***

22     ~~(b)–~~

23     (c) A school district may authorize a pupil in grade 12 who is  
24 18 years of age or older and has not passed the California High  
25 School Exit Examination to attend a minimum schoolday, as  
26 defined in Section 46141, if the pupil signs a statement indicating  
27 that he or she is fully informed of the potential consequences of  
28 attending school less than full time.

29     ~~(e)–~~

30     (d) A school district may authorize a pupil in grade 12 who is  
31 less than 18 years of age and has not passed the California High  
32 School Exit Examination to attend a minimum schoolday, as  
33 defined in Section 46141, if the pupil and the pupil's parent or  
34 legal guardian both sign a statement indicating that they are fully  
35 informed of the potential consequences of attending school less  
36 than full time.

37     ~~SEC. 5.~~

38     ~~SEC. 6.~~ Section 46145.5 is added to the Education Code, to  
39 read:

1     46145.5. (a) (1) A school district shall require each high  
2 school within its jurisdiction that enrolls pupils in any of grades  
3 10 or 12 to develop a written individualized learning plan to  
4 assist each pupil in grade 10 or 12 who has not passed the high  
5 school exit examination. The plan shall include the requisite  
6 coursework and experience the pupil needs in order to pass the  
7 examination, complete all other requirements for graduation  
8 from high school, and successfully transition to postsecondary  
9 education or employment.

10    (2) A school district shall require each school within its  
11 jurisdiction that enrolls pupils in grade 7 to develop a written  
12 individualized learning plan to assist each pupil in grade 7 who  
13 is deemed at the far below basic level in English language arts or  
14 mathematics pursuant to the California Standards Tests  
15 administered to pupils in grade 6. The plan shall include the  
16 requisite coursework and experience the pupil needs in order to  
17 pass the high school exit examination, complete all other  
18 requirements for graduation from high school, and successfully  
19 transition to postsecondary education or employment.

20    ~~46145.5. (a) A school district shall require each high school~~  
21 ~~within its jurisdiction to enroll any pupil in grade 12 who has not~~  
22 ~~passed the California High School Exit Examination, or is~~  
23 ~~deficient in the credits required for high school graduation, in~~  
24 ~~rigorous challenging programs or courses to prepare the pupil to~~  
25 ~~pass the examination, prepare the pupil to meet state and local~~  
26 ~~graduation requirements, prepare the pupil for postsecondary~~  
27 ~~education and training, and provide the pupil with career options~~  
28 ~~and skills.~~

29    (b) A school district shall require each high school within its  
30 jurisdiction to offer and schedule an individual conference with  
31 each pupil, his or her parent or legal guardian, and a school  
32 representative, ~~immediately prior to commencement of grade 12,~~  
33 *as required under this section.*

34    (1) The school representative shall review the pupil's status in  
35 passing the examination, *or the pupil's score on the English*  
36 *language arts or mathematics portion of the California*  
37 *Standards Test administered in grade 6, as applicable.* The  
38 parent or legal guardian and the pupil shall be apprised of the  
39 consequences of not passing the examination and of the  
40 programs, courses, and options available for pupils who have not

1 passed the examination, *or are at risk of not passing the*  
2 *examination.*

3 (2) The school representative shall review the pupil's  
4 cumulative records, transcript, progress towards completing the  
5 graduation requirements, performance on standardized and  
6 diagnostic assessments, related remediation strategies, available  
7 high school courses, alternative education options, and  
8 information on postsecondary education and training.

9 (3) The school representative and the pupil shall develop a  
10 written individualized learning plan to assist the pupil in reaching  
11 his or her educational and career goals. The plan shall include the  
12 courses and experiences necessary to pass the California High  
13 School Exit Examination, complete high school, and transition to  
14 postsecondary education or employment. A copy of the plan shall  
15 be given to the parent or legal guardian and the pupil.

16 ~~(e) The governing board of a school district and a charter~~  
17 ~~school maintaining any of grades 7 to 12, inclusive, shall provide~~  
18 ~~a pupil who is determined to be at the far below basic level on a~~  
19 ~~test administered under the Standardized Testing and Reporting~~  
20 ~~Program, established pursuant to Article 4 (commencing with~~  
21 ~~Section 60640) of Chapter 5 of Part 33, with intensive~~  
22 ~~instructional services designed to prepare the pupil to pass the~~  
23 ~~California High School Exit Examination.~~

24 ~~(1) Commencing in grade 7, and annually thereafter through~~  
25 ~~grade 11, a school district shall require each school within its~~  
26 ~~jurisdiction to develop a written individualized learning plan to~~  
27 ~~assist the pupil determined to be at the far below basic level in~~  
28 ~~preparing to pass the California High School Exit Examination~~  
29 ~~and for reaching his or her educational and career goals.~~

30 ~~(2) Each school shall offer and schedule an individual~~  
31 ~~conference with each pupil determined to be at the far below~~  
32 ~~basic level, his or her parent or legal guardian, and a school~~  
33 ~~representative to develop the individualized learning plan. A~~  
34 ~~copy of the plan shall be given to the parent or legal guardian and~~  
35 ~~the pupil.~~

36 ~~(3) During the conference the school representative shall~~  
37 ~~review, with the pupil and the parent or legal guardian of the~~  
38 ~~pupil, the pupil's cumulative records, transcript, performance on~~  
39 ~~standardized and diagnostic assessments, related remediation~~  
40 ~~strategies, available high school courses, alternative education~~

1 options, and, when appropriate, information on progress towards  
2 completing the graduation requirements and on postsecondary  
3 education and training.

4 ~~(4) The individualized learning plan shall include all necessary~~  
5 ~~and available instructional strategies and programs and support~~  
6 ~~services to ensure that every resource is considered and brought~~  
7 ~~to bear to assist the pupil in improving his or her achievement in~~  
8 ~~English language arts and mathematics.~~

9 ~~SEC. 6.~~

10 *SEC. 7.* Section 48200.3 is added to the Education Code, to  
11 read:

12 48200.3. (a) The school district shall allow a pupil who is 18  
13 years of age or older and enrolled in grade 12 to complete that  
14 school year in a high school program, as determined by  
15 governing board policy.

16 (b) The school district shall allow a pupil who has not  
17 completed all high school graduation requirements or passed  
18 both sections of the California High School Exit Examination on  
19 or before the end of the fourth year of high school to enroll in  
20 and attend a high school program during the next school year, as  
21 determined by governing board policy, if the pupil enrolls in the  
22 fifth year of high school upon or before attaining 19 years of age.

23 (c) The school district shall provide the pupil with educational  
24 options that provide intensive instruction, pursuant to an  
25 individualized learning plan for each pupil, for enrollment of  
26 pupils beyond the fourth year of high school, if the pupil is  
27 making progress under governing board policy towards  
28 completion of graduation requirements. These options shall  
29 include, but are not limited to, all of the following:

- 30 (1) Comprehensive high school.
- 31 (2) Continuation high school.
- 32 (3) Independent study.
- 33 (4) Charter school.
- 34 (5) Community day school.
- 35 (6) Opportunity school.
- 36 (7) County court school.
- 37 (8) County community school.
- 38 (9) Adult school.
- 39 (10) Other alternative school.

1 (d) A pupil who is subject to this section is not subject to  
2 paragraph (2) of subdivision (b) of Section 46145.

3 ~~SEC. 7.~~

4 *SEC. 8.* Section 51745 of the Education Code is amended to  
5 read:

6 51745. (a) Commencing with the 1990–91 school year, the  
7 governing board of a school district or a county office of  
8 education may offer independent study to meet the educational  
9 needs of pupils in accordance with the requirements of this  
10 article. Educational opportunities offered through independent  
11 study may include, but shall not be limited to, the following:

12 (1) Special assignments extending the content of regular  
13 courses of instruction.

14 (2) Individualized study in a particular area of interest or in a  
15 subject not currently available in the regular school curriculum.

16 (3) Individualized alternative education designed to teach the  
17 knowledge and skills of the core curriculum. Independent study  
18 shall not be provided as an alternative curriculum.

19 (4) Continuing and special study during travel.

20 (5) Volunteer community service activities that support and  
21 strengthen pupil achievement.

22 (b) Not more than 10 percent of the pupils participating in an  
23 opportunity school or program, or a continuation high school,  
24 calculated as specified by the department, shall be eligible for  
25 apportionment credit for independent study pursuant to this  
26 article. A pupil who is pregnant, or a pupil who is a parent and is  
27 the primary caregiver for one or more of his or her children, shall  
28 not be counted within the 10 percent cap. A pupil who has not  
29 passed the California High School Exit Examination shall not be  
30 counted within the 10 percent cap.

31 (c) No individual with exceptional needs, as defined in Section  
32 56026, may participate in independent study, unless his or her  
33 individualized education program developed pursuant to Article  
34 3 (commencing with Section 56340) of Chapter 4 of Part 30  
35 specifically provides for that participation.

36 (d) No temporarily disabled pupil may receive individual  
37 instruction pursuant to Section 48206.3 through independent  
38 study.



(e) No course included among the courses required for high school graduation under Section 51225.3 shall be offered exclusively through independent study.

~~SEC. 8.~~

SEC. 9. Section 51747.2 is added to the Education Code, to read:

51747.2. ~~A—On or after July 1, 2008, a school district or county office of education is—~~~~not~~ eligible to receive apportionments for independent study by pupils, regardless of age,~~unless only if~~ it has adopted written policies, and has implemented those policies, pursuant to rules and regulations adopted by the Superintendent that include, but are not limited to, all of the following:

(a) For each pupil who applies for independent study, a school district or county office of education shall use a diagnostic evaluation or assessment tool to evaluate the pupil's academic achievement, and shall evaluate the pupil's ability to work independently under the general supervision of a credentialed teacher or teachers. Based on this evaluation the school district or county office of education shall provide appropriate interventions and individualized assistance to enable each pupil to be successful in independent study. As a result of the diagnostic evaluation or assessment, pupils performing below grade level shall be provided with additional instructional opportunities, including direct instruction of the pupil by a credentialed teacher or teachers on at least a weekly basis.

(b) All pupils who choose independent study shall be provided with the level of support and materials necessary for pupil success, including, but not limited to, a learning program aligned to state academic content standards and suitable to the individual pupil's needs.

(c) The requirements of this section do not apply to classroom-based pupils who must be absent from the classroom on a temporary basis and who utilize independent study for those periods of absence.

~~SEC. 9.~~

SEC. 10. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be

- 1 made pursuant to Part 7 (commencing with Section 17500) of
- 2 Division 4 of Title 2 of the Government Code.

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